IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10556 of 2007(F)

PETITIONER:

JOSE MANI, FLAT NO.1,
PANJOS GARDEN, PADIVATTOM, KOCHI-24.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE
SECRETARY TO THE LOCAL SELF GOVT.(M)DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. CORPORATION OF KOCHI,
REP. BY ITS SECRETARY, KOCHI-11.

3. THE TOWN PLANNING OFFICER,
CORPORATION OF KOCHI, PARK AVENUE, KOCHI-11.

BY GOVT.PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

W.P.(C) No.10556 of 2007

Dated this the 27th day of March 2007

JUDGMENT

Sri.S. Ramesh Babu, Standing Counsel takes notice on behalf of the Cochin Corporation. Government Pleader takes notice on behalf of respondent No.1.

The issue is as to whether the structural plan notified in 1991 for central city Kochi of Kerala or the Municipality Building Rules is to be followed for considering the floor area ratio in the matter of constructions within the area of the 2nd respondent Corporation. The issue is covered by Ext.P5 judgment. Under that judgment after quashing G.O (Rt) No.2121/06/LSGD dated 28-08-2006, I inter alia directed that the local authorities who are respondents in that case including the Cochin Corporation will consider all applications submitted for building permit till the date of issuance of Ext.P7 and decide those applications in accordance with the floor area ratio permitted under the Kerala Municipal Building Rules, 1999. It is seen from the documents placed in this case that the building permit application was submitted on 28-7-2006 by the petitioner.

Under these circumstances, the writ petition is only to be allowed .

The 2nd respondent is directed to consider the application dated 28-7-2006 submitted by the petitioner for sanction for construction of buildings under the Kerala Municipalty Building Rules 1999 in accordance with the floor area ratio permitted under the Kerala Municipal Building Rules 1999 taking into account Ext.P5 judgment. Orders directed above will be passed by the 2nd respondent within three weeks of receiving a copy of this judgment.

PIUS.C.KURIAKOSE,JUDGE

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